

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

UNITED STATES OF AMERICA,  
*Plaintiff,*

四庫全書

V.

Cause No. 4:18-cr-575

JACK STEPHEN PURSLEY,

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*Defendant.*

**DEFENDANT'S RESPONSE TO UNITED STATES' MOTION TO EXCLUDE TESTIMONY AND PRECLUDE IMPROPER ARGUMENT**

The Government has filed a Motion to Exclude Testimony and Preclude Improper Argument. That motion should be denied to the extent it seeks to bar Defendant Jack Stephen Pursley (“Pursley”) from arguing and offering evidence of the motive of Shaun Mooney (“Mooney”), the Government’s primary witness.

The business disputes, litigation and related circumstances between Mooney and Pursley are relevant for the jury's consideration of Mooney's motive to testify falsely against Pursley. Because of a business dispute dating back to late 2012, Pursley and Mooney have been almost continuously in litigation with each other, including a civil case presently set for trial in January 2020. The jury needs to know that context to understand that, from Fall 2012 through the present, Mooney has had a motive to fabricate allegations against Pursley, and still has a motive to testify falsely against Pursley.

Moreover, and to that point, the actions of Mr. Jack Townsend—one of Mooney's counsels, and a former DOJ Tax Prosecutor—seeking advice and assistance with getting Pursley indicted,

and offering to provide the Government with the assistance of Mooney's private lawyers against Pursley, further demonstrates Mooney's motive.

Attached hereto as Exhibit A are proposed stipulations that the defense is negotiating with the Government. The proposed stipulations highlighted in yellow are the facts relevant to Mooney's motive and hence his credibility.

WHEREFORE, PREMISES CONSIDERED, to the extent the Government's Motion to Exclude Testimony and Preclude Improper Argument would seek to prevent Mr. Pursley from offering evidence of Mr. Mooney's motive and hence his credibility, that motion should be DENIED.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I certify that on August 21, 2019, a copy of this document was served on all counsel of record through filing on the ECF System.

/s/ Victor D. Vital  
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